

## **REMARKS**

The Office Action mailed September 22, 2004 has been carefully considered. Claims 1-15 are currently pending. Claims 1 and 6 have been amended to more clearly recite the claimed invention. In particular, claims 1 and 6 have been amended to recite that the catheter is associated with a "handle that permits for intermittent injections of both a light-transmissive fluid and a contrast fluid." Claims 10-15 are new, and have been added to more clearly recite the invention. Support for these amendments is found, *inter alia*, in Paragraph [0036], and Fig. 5 of the specification of the published application. No new matter has been added by this Amendment.

### **Rejections under 35 U.S.C. § 103(a)**

Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. Re. 35,544 to Spears *et al.* ("Spears") in combination with United States Patent No. 5,700,243 to Narciso, Jr. ("Narciso"). These rejections are respectfully traversed.

Spears discloses a method of treating atherosclerosis by utilizing a balloon-type catheter to treat plaques. Spears does not disclose a "handle that permits for intermittent injections of both a light-transmissive fluid and a contrast fluid." Therefore, Spears does not disclose, teach, or suggest the present invention.

Narciso fails to remedy the deficiencies in Spears, as it also does not disclose a "handle that permits for intermittent injections of both a light-transmissive fluid and a contrast fluid." Therefore, both Spears and Narciso, either singly or in combination, fail to disclose each and every element of amended claim 6. The rejection of claim 6 should be withdrawn. As claims 7-9 depend from independent claim 6, Applicants also request that the rejections of these claims should be withdrawn.

Claims 1 and 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spears in combination with Narciso. These rejections are respectfully traversed. The Examiner stated that the rejections of claims 1 and 3-5 were based on the same rationale as the rejections of claims 6-9. Therefore, as both Spears and Narciso, either singly or in combination, fail to disclose every element of claims 6-9, the same is true for claims 1 and 3-5. In particular, claims 1 and 3-5 recite a "handle that permits for intermittent injections of both a light-transmissive fluid and a contrast fluid." As discussed above, Spears and Narciso do not disclose or suggest such features. Therefore, for the reasons discussed above, the rejection of claims 1 and 3-5 should be withdrawn.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Spears in combination with Narciso, and further in view of United States Patent No. 5,445,608 to Chen *et al.* (“Chen”). This rejection is respectfully traversed.

Chen similarly fails to disclose or suggest a “handle that permits for intermittent injections of both a light-transmissive fluid and a contrast fluid.” Therefore, Chen fails to remedy the deficiencies in Spears and Narciso, and therefore does not render claim 2 obvious, as the claim from which it depends (claim 1) is likewise not rendered obvious. The rejection of claim 2 should be withdrawn.

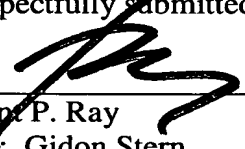
### CONCLUSION

In view of the above amendments and remarks, it is believed that claims 1-15 are in condition for allowance. Should the Examiner not agree with Applicant's position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

No fee is believed to be due for this response. Should any fees be required, please charge such fees to Jones Day deposit account no. 503013.

Respectfully submitted,

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